

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the BOSTON REDEVELOPMENT AUTHORITY adopted and filed in the Suffolk County Registry of Deeds, Book 7929, Page 440, an ORDER OF TAKING dated February 4, 1965, concerning and describing the DOWNTOWN WATERFRONT FANEUIL HALL URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by General Laws.

NOW THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of the Housing Authority Law and all other authority thereunto enabling, and pursuant to the applicable provisions of General Laws (Ter.Ed.) Chapter 79, and of any and every power and authority to it, granted or implied hereby takes for itself in fee simple by eminent domain for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in "Annex A" together with any and all easements and rights appurtenant hereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.



AND FURTHER ORDERED that in accordance with the provisions of the General Laws, awards are made by the BOSTON REDEVELOPMENT AUTHORITY for damages sustained by the owner or owners and all other persons including all mortgagess of record having any and all interest in each parcel described in "Annex A" and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in "Annex B" which Annex B is not to be recorded in the Registry of Deeds with this Order of Taking.

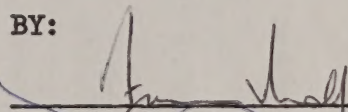
AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the Office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

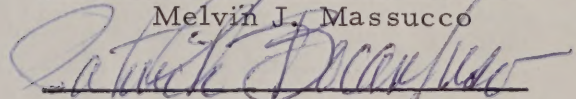
DATED: June 4, 1970

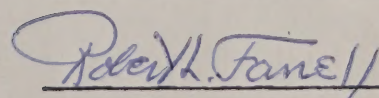
BOSTON REDEVELOPMENT AUTHORITY

BY:

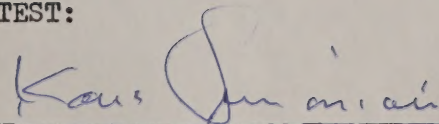
  
Francis J. Lally

  
Melvin J. Massucco

  
Patrick Bocanfuso

  
Robert L. Farrell

ATTEST:

  
Secretary of the Boston Redevelopment Authority



A N N E X    A

BOSTON REDEVELOPMENT AUTHORITY

DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following is the only parcel taken by this Order of Taking:

A certain parcel of land with buildings thereon now or formerly known as LONG WHARF in the City of Boston, being shown on a Plan entitled "Downtown Waterfront Faneuil Hall Project Mass. R-77, Plan of Land in Boston Partial Taking of Long Wharf, Boston Redevelopment Authority Boston - Suffolk County - Massachusetts dated May 29, 1970," which Plan is recorded herewith, bounded and described as follows:

WESTERLY	by Atlantic Avenue, as shown on said Plan, 257.45 feet;
NORTHERLY	by land now or formerly of Boston Redevelopment Authority as shown on said Plan, 968.59 feet;
EASTERLY	by Boston Harbor 274.48 feet; and
SOUTHERLY	by land now or formerly of New England Aquarium as shown on said Plan, 963.93 feet.

There is excluded and excepted from the above area and from this Order of Taking the land and existing building thereon shown as Area 1-B and also the land and existing building thereon shown as Area 1-C as shown on said Plan.

There is excluded and excepted from the above area and from this Order of Taking all property and right of the Massachusetts Bay Transit Authority to operate and maintain a tunnel below the surface of said area.



There is excluded and excepted from the above area and from this Order of Taking all underground rights, easements or licenses of all Public Utilities to operate and maintain utilities and pipes, wires, conduits or other utility materials.

This Taking is subject to the following easements expressly reserved from this Taking for the benefit of and as appurtenant to Area 1-B and Area 1-C which are excepted from this Taking:

- (a) The following rights and easements in the 6-foot area shown on the Taking Plan as "pedestrian walkway":
  - (i) the right and easement in common with others lawfully entitled thereto of pedestrian access to and egress from Area 1-B and Area 1-C excepted from the operation of this taking order;
  - (ii) the right and easement to go below the existing grade in said 6-foot area, for the purpose of repairing and maintaining, constructing, and improving buildings from time to time on such excepted areas and, as incident thereto, to maintain footings, foundations, and walls supportive of said buildings, and to install and maintain utilities servicing such buildings, together with the right and easement to go across and upon such area by foot or on vehicles for the purpose of exercising such rights.
  - (iii) the right and easement to construct, maintain and repair from time to time fire escapes or fire balconies, so-called, for the purpose of providing safety egress from buildings from time to time on said excepted areas, so long as such fire escapes or fire balconies do not materially interfere with the free passage of pedestrian traffic.

- (b) an easement in common with others lawfully entitled thereto, over that part of Long Wharf shown on said Plan as "vehicular access", for passage on foot and by vehicle to and from the areas excepted from the operation of this taking order and for such other purposes as public ways in the City of Boston as may from time to time be used.

The Supposed owner of the parcel hereby taken is

THEODORE W. BERENSON.



A N N E X   B

BOSTON REDEVELOPMENT AUTHORITY

DOWNTOWN WATERFRONT-FANEUIL HALL URBAN RENEWAL AREA

AWARD OF DAMAGES

The Award for the portion of Long Wharf acquired by this

Order of Taking is \$180,000.00.

